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United States Fire Insurance Company



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES FIRE INSURANCE
COMPANY, a corporation,

Plaintiff,

vs.

VESTA STRATEGIES, LLC, a limited liability
company; SAMUEL W. HENKA, an
individual,

Defendants.

THOMAS DILLON, as Receiver for Vesta
Strategies, LLC,

Counter-Claimant,

vs.

UNITED STATES FIRE INSURANCE
COMPANY, a corporation,

Counter-Defendant.

Case No.: C 09-02388 JW

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

Old Date: September 19, 2011

New Date: October 17, 2011
Time: 10:00 a.m.

STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE -- C09-02388 JW

Plaintiff and Counter-Defendant United States Fire Insurance Company (“U.S. Fire”) and Defendant and Counter-Claimant Thomas Dillon, as the Court-Appointed Receiver for Vesta Strategies, LLC and Excalibur Group, LLC (the “Receiver”), submit the following stipulation to continue the September 19, 2011 Case Management Conference in the above-captioned matter to October 17, 2011 at 10:00 a.m.

RECITALS

A. The Court scheduled a Case Management Conference in the above-captioned matter for September 19, 2011 (Doc. No. 246, p. 12);

B. A Case Management Conference has also been scheduled for September 19, 2011 in the related case, *Dillon v. Continental Casualty Company*; Case No. C 10-05238 JW (the “*Continental Action*”);

C. The Receiver is a party to both this action and the *Continental Action*, and is represented by Hollister & Brace in both actions;

D. Counsel for Continental has a scheduling conflict and cannot attend the Case Management Conference in the *Continental Action* that is scheduled for September 19, 2011;

E. The parties in this action and the *Continental Action* have met and conferred, and all counsel are available on October 17, 2011 for Case Management Conferences in both this action and the *Continental Action*; and

F. The parties to the *Continental Action*, the Receiver and Continental Casualty Company, will also be submitting a stipulation and proposed order to continue the September 19, 2011 Case Management Conference in that action to October 17, 2011 at 10:00 a.m.

STIPULATION

Based on the foregoing, the Receiver and U.S. Fire hereby stipulate to the continuance of the September 19, 2011 Case Management Conference in the above-captioned matter to October 17, 2011 at 10:00 a.m. The parties further request that the deadline to file a Joint Case Management Statement is continued from September 9, 2011 to October 7, 2011.

Dated: September 1, 2011

HOLLISTER & BRACE

By: /s/ Robert L. Brace (via e-mail auth.)

Robert L. Brace
Peter L. Candy

*Attorneys for Defendant and Counter-
Claimant, Thomas Dillon*

Dated: August 31, 2011

BULLIVANT HOUSER & BAILEY, PC

By: /s/ Andrew B. Downs

Andrew B. Downs
Norman J. Ronneberg, Jr.

*Attorneys for Plaintiff and Counter-
Defendant, United States Fire Insurance
Company*

ORDER

The Court, having considered the stipulation of United States Fire Insurance Company and Thomas Dillon, as the Court-Appointed Receiver for Vesta Strategies, LLC and Excalibur 1031 Group, LLC, and good cause appearing therefore, hereby ORDERS that:

1. The September 19, 2011 Case Management Conference in the above-captioned matter is continued to October 17, 2011 at 10:00 a.m.; and

- 1 2. The deadline to file a Joint Case Management Statement is continued from September
2 9, 2011 to October 7, 2011.

3
4 Dated: September 2, 2011

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7 Chief United States District Judge